

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOYCE ANN HAARMANN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05 CV 928 DDN
	)	No. 4:05 CV 1366 DDN
STATE OF MISSOURI and	)	
MISSOURI DEPARTMENT OF	)	
CORRECTIONS,	)	
	)	
Defendants.	)	

**MEMORANDUM**

This matter is before the court on the motion of defendants the State of Missouri and the Missouri Department of Corrections to consolidate this action with Cause No. 4:05 CV 1366 MLM, which is also pending in this court. (Doc. 9.) The parties have consented to the exercise of plenary authority by the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Doc. 12.)

**Background**

Plaintiff Joyce Ann Haarmann filed the instant case in this court on June 9, 2005, alleging employment discrimination due to her age and gender against the State of Missouri and the Missouri Department of Corrections. (Doc. 3.) Plaintiff alleges in her complaint that she was denied a lateral transfer of her position, and seeks relief in the form of a promotion, weekends off, and monetary relief.

On July 18, 2005, plaintiff filed a second lawsuit in the Circuit Court of Washington County, Missouri. In that action, plaintiff alleges employment discrimination due to her age and gender against the State of Missouri, the Missouri Department of Corrections, and the Department of Corrections Director, Larry Crawford. (Cause No. 4:05 CV 1366 MLM, Doc. 1 Attach. 1., at 12.) This case was removed to this court on August 26, 2005. In that action, plaintiff alleges she was denied a lateral transfer, and seeks relief in the form of a promotion, weekends off, a job change to a different state department, and monetary relief. (Id. at 16.)

Defendants have moved to consolidate the instant case with the second filed case, Cause No. 4:05 CV 1366 MLM. (Doc. 9.) They point out that both actions allege identical claims and the only difference is the later filed action names one additional defendant. (Doc. 10 at 2.)

### **Discussion**

"All claims and issues sharing common aspects of law or fact may be consolidated to avoid unnecessary cost or delay." EEOC v. HBE Corp., 135 F.3d 543, 550 (8th Cir. 1998). Federal Rule of Civil Procedure 42(a) grants the court broad discretion to consolidate actions involving common questions of law or fact, if consolidation would ease the administration of justice.<sup>1</sup> Id. at 550. "Consolidation is inappropriate, however, if it leads to inefficiency, inconvenience, or unfair prejudice to a party." Id. at 551; Madison v. Hennepin County, No. 02-4756, 2003 WL 21639221, at \*1 (D. Minn. July 1, 2003).

The court finds that the administration of justice would best be served by the consolidation of the two pending actions. Both involve the same factual situation, the same claims, and the same plaintiff. The State of Missouri and the Missouri Department of Corrections are defendants in both actions. The only difference in the two actions is the addition of Larry Crawford as a defendant in the removed action. There will be no prejudice to any party if the actions are consolidated.

Magistrate Judge Mary Ann L. Medler agrees with this disposition of the motion to consolidate.

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<sup>1</sup>**Consolidation.** When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay." Fed. R. Civ. P. 42(a).

Accordingly, this court will order these actions be consolidated.  
An appropriate order is issued herewith.

A handwritten signature in cursive script, reading "David D. Noce". The signature is written in dark ink and is positioned above a horizontal line.

DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE

Signed on November 9, 2005.